

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

MAR 15 2013

JULIA C. DUDLEY, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

CECIL DELEE ADDISON a/k/a	)	Civil Action No.: 7:12-cv-314
CEZIL DELEE ADDISON,	)	
Plaintiff,	)	<b>ORDER</b>
v.	)	
VOLVO TRUCKS NORTH	)	Hon. James C. Turk
AMERICA and IVAN MITCHELL,	)	Senior United States District Judge
Defendants.	)	

This matter is before the Court on Defendant Ivan Mitchell's Motion to Dismiss, ECF No. 6, and Addison's Motion to Deny Dismissal. ECF No. 11. It is hereby

**ADJUDGED AND ORDERED**

that the Motion to Dismiss (ECF No. 6) is **GRANTED** and Addison's claims against Mitchell are **DISMISSED WITH PREJUDICE**. The Motion to Deny Dismissal (ECF No. 11) is **DENIED**. Claims against Volvo Trucks are **DISMISSED WITHOUT PREJUDICE** because it was not served within the requirements of Rule 4. The action is stricken from the active docket of the Court.

The Clerk of Court is directed to send copies of this Order and accompanying Memorandum Opinion to counsel of record for Ivan Mitchell and to the *pro se* Plaintiff.

ENTER: This 15<sup>th</sup> day of March, 2013.

*[Signature]*  
Hon. James C. Turk  
Senior United States District Judge